

**REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

**Claim Status**

Claims 1-24 are pending in this application. Of these claims, claims 1 and 13 are independent in form. Claims 1-24 have been rejected. Claims 7-9 and 19-21 are herein amended. No new matter has been added by these amendments.

**Claim Rejections - 35 U.S.C. §112**

Claims 7-9 and 19-21 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7-9 and 19-21 have been amended to address these rejections.

*new amendment* → Specifically, claim 7 has been amended to recite a control interface “wherein the control interface includes an invoke ID manager, and invoke ID generation is automatic and configurable.” Support for this amendment can be found throughout the specification as filed, for example on page 2, lines 7-26, page 5, line 9 - page 6, line 2, and page 13, lines 12-17.

Claim 8 has been amended to recite a control interface “wherein the control interface includes an invoke ID manager, and invoke ID timing is automatic and configurable.” Support for this amendment can be found throughout the specification as filed, for example on page 2, lines 7-26, page 5, line 9 - page 6, line 2, and page 13, lines 12-17.

Claim 9 has been amended to recite a control interface “wherein the control interface includes a heartbeat message manager, and heartbeat messages and replies are automatically generated.” Support for this amendment can be found throughout the specification as filed, for example on page 2, lines 7-26, page 5, line 9 - page 6, line 2, and page 12, lines 3-21.

Claims 19, 20 and 21 respectively, have been similarly amended.

Applicant respectfully submits that the rejections under 35 U.S.C. §112 of claims 7-9 and 19-21 is hereby overcome and respectfully requests that these rejections be withdrawn.

**Claim Rejections - 35 U.S.C. §103(a)**

Claims 1-24 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,972,453 to Daniel III et al. (“Daniel”) in view of admitted prior art. Applicant respectfully traverses these rejections.

Applicant respectfully submits that the combination of Daniel and CSTA protocol as the basis for the rejection of the pending claims is improper and the stated claim rejections cannot stand for at least several reasons.

\* Daniel is directed to an expert system for maintaining remote computer systems. (See Abstract.) The stated purpose of Daniel is to provide a system for remotely maintaining PBX systems, which obviates the need for technicians to travel to a PBX location and connect to it locally. (See, Col. 1, lines 19-40).

\* CSTA, on the other hand, provides an abstraction layer for telecommunications applications, which connect to local PBXs.

The Examiner has taken the position that the present invention as claimed is rendered obvious in view of the combination of Daniel and the CSTA protocol. Applicant respectfully disagrees.

Despite the Examiner's assertion that "it would have been obvious to one of ordinary skill in the art ... to use the ... CSTA protocol in Daniel because using an old and available protocol such as the CSTA protocol does not rise to the level of patentability," (Office Action, page 3), the Examiner has not pointed to any motivation to form such a combination as is required. Daniel's invention was expressly designed to connect to a PBX remotely and CSTA facilitates local PBX connections. Applicant respectfully submits that given the different focus of the respective disclosures of these two references, the Examiner has failed to provide any motivation to support combining the disparate teachings of Daniel with CSTA. Furthermore, inasmuch as the motivation to combine Daniel and CSTA appears to be taken from the present invention as claimed, such combination is improper and impermissible.

Moreover, even assuming *arguendo* that the combination of Daniel and CSTA is properly motivated, which it is not, Applicant respectfully submits that the claimed invention is still not anticipated by or rendered obvious in view of such combination. The Examiner asserts that the component based interface objects of the present invention as claimed are comparable to Daniel's expert system that invokes testing procedures. Applicant respectfully disagrees with this assertion and submits that Daniel in fact does not teach or suggest the claimed component based interface objects.

In the present invention, component based interface objects are built using a component-based software architecture, such as Microsoft ActiveX or Sun Microsystems

JavaBeans. (See, page 5, lines 10-13 of the specification of the present invention.) These component-based software architectures are not merely software architectures built from random components, which is typical of many non-structured software paradigms. The term "component" has a special meaning in the context of component-based software architectures. A "component" of a component-based software architecture consists of an interface and a group of data. In general, these component interfaces are defined by properties, methods, and events. Applicant's control interface provides property, method, and event interfaces to an application on one side and a CSTA interface to a PBX on the other side. (See, e.g., page 7, lines 10-18.)

The logical structure of component-based software is different than software constructed from other software architecture paradigms. Each component in a component-based architecture has a well-defined programming interface that simplifies component integration, in addition to thoroughly tested internal functionality.

\* Daniel fails to disclose, teach, or suggest the component-based software engineering architecture of the present invention. More particularly, Daniel fails to disclose a control interface for linking a computer supported telephony application with a PBX switch utilizing CSTA protocols using "component based interface objects defining properties, methods, and events, said properties, methods and events being mapped to control substantially every event and service of said PBX switch" as recited in claim 1.

Thus, independent claim 1 is not anticipated nor rendered obvious by Daniel, even if properly combined with the CSTA protocol, because at least this claimed element is lacking even in such combination. Independent claim 13 is believed allowable for at least similar reasons as it is drawn to a method recitation corresponding to apparatus claim 1.

#### **Dependent Claims**

Applicant traverses the rejections of the dependent claims but have not independently addressed the individual rejections of the dependent claims because Applicant submits that dependent claims 2-12 and 14-24 are also allowable for at least similar reasons as stated for the independent claims from which they depend. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

Accordingly, Applicant respectfully submits that the invention as recited in independent claims 1 and 13, and the claims depending therefrom, are not taught or suggested

by, and neither anticipated by nor rendered obvious in view of, and thus patentably distinct over, Daniel, taken individually or in combination with the art of record.

Based on the foregoing remarks, claims 1-24 are believed to define patentable subject matter. Withdrawal of the rejections applied to claims 1-24 under 35 U.S.C. 103(a) is respectfully requested.

**Provisional Double Patenting Rejection**

Claims 1-24 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of co-pending Application No. 09/864,096. The Examiner has indicated by telephone that a Terminal Disclaimer in view of 09/863,912 and 09/964,057 is also required.

While the rejection of these claims under the judicially created doctrine of obviousness-type double patenting is provisional as none of the claims identified as being in conflict have yet been patented, Applicants herewith submit a Terminal Disclaimer under 37 CFR §1.321 disclaiming the term of any patent issuing from this application in view of any patent granted from US Application No. 09/863,912, U.S. Application No. 09/864,057 and U.S. Application No. 09/864,096. Applicants' filing of the Terminal Disclaimer is not intended to be construed as an admission as to the merits of this rejection but is merely done to facilitate prosecution and obviate the rejection.

Applicants respectfully submit that this provisional rejection is hereby overcome and respectfully request that it be withdrawn.

**CONCLUSION**

All the rejections of claims having been addressed and the claims as presented herein being believed allowable, Applicant submits that the application is hereby placed in condition for allowance which action is earnestly solicited.

While Applicant believes no extensions of time or fees are required for this Amendment, should an extension of time be necessary to render this filing timely or other fees be due, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 19-2179.

In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

*Francis Montgomery*

Francis G. Montgomery

Reg. No. 41,202

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830  
(732) 321-3130